MEMORANDUM

TO: President Jeff Pruyn  
Village Board of Trustees  

RE: PC 19-015  
504 E. Division St.  
Two-Lot Subdivision Amendment & Variances for Corner Side-Yard Setback, Accessory Structure Setback, and PUD Easement

FROM: Mo Khan  
Village Planner

COTW: December 3, 2019

CC: File

ENCL: Plan Commission Staff Report, Petition for Subdivision, Variances and Attachments

BACKGROUND

The Petitioners and Owners, Jeffrey & Christine Hofstetter, request a Two-Lot Subdivision Amendment and Variances in order to allow the existing detached garage located on the subject property to remain in its current location.

The requests before the Committee of the Whole are as follows:

1. Two-Lot Subdivision Amendment.
2. Variance to Section 7.05-5-b-(1) of the Zoning Ordinance for a corner side-yard setback of 9’ 10” whereas the minimum required is 30’.
3. Variance to Section 4.06-8-m of the Zoning Ordinance to allow for an accessory structure setback for a detached garage of 4’ 8” whereas the minimum required is 5’.
4. Variance to Section 6.03-C-4-a of Development Standards and Specifications Manual to allow for a Public Utility and Drainage Easement of 4’8” whereas minimum required is twenty feet (20’) easement.

PLAN COMMISSION RECOMMENDATION

The Plan Commission conducted a Public Hearing on this matter on November 20, 2019. Chairman Kischner acknowledged a letter that was submitted by Bernie Gandras, 509 E. Center St., which stated though Mr. Grandas is not objecting to the specific requests made by the
Petitioner, he is concerned regarding the adverse impact of additional stormwater run-off that may occur due to additional impervious area being built.

Furthermore, two residents further south of the subject property spoke that though they also are not objecting the specific requests being made by the Petitioner they are concerned that their property will receive additional stormwater run-off if another house is built since they are downstream and located at a lower elevation compared to the subject property.

Village Staff stated that stormwater run-off and impacts are reviewed as part of the permit submittal for any new construction and the Village Engineer reviews to make sure that adjacent and nearby properties are not adversely impacted by the proposed project.

Staff’s Note: The current proposal does not create any new impacts from the proposal that was approved by the Village Board earlier this year.

The Plan Commission Reviewed the Required Findings of Facts and **Recommended Unanimous Approval (6-0)** of the Two-Lot Subdivision Amendment and Variances Requests, subject to the following conditions as recommend by staff and one additional recommendation added by the Plan Commission (Condition #7):

1. The project must comply with all Village Ordinances, Building Codes, Subdivision Regulations, the DuPage County Stormwater Ordinance, and Standard Development Specifications in place at the time of permit application.
2. Preparation of final engineering and subdivision plat, and compliance with all public improvements and impact fees required for new homes. All Village Board approved proposals are subject to Final Engineering approval.
3. The Subdivision Ordinance requires that street trees be planted for properties affected by a request for subdivision. The requirement is one tree for every 50’ of frontage. The new trees must be no smaller than 2” in caliper, measured 1’ from the ground. Install new trees where they do not already exist and provide a plan indicating all existing and proposed trees, featuring species, quality, and location information.
4. Provides existing and proposed lot coverage calculation tables at the time of building permit. Include service sidewalks, decks, sheds, patios, and any other improvements other than landscaping or grass.
5. Monuments indicating the newly created property lines with the final plat of subdivision shall be added to the plat prior to recording.
6. An existing tree plan and tree preservation plan is required at the time that Lot 1 develops.
7. Amend Staff Report stated dimension of 4’ 10” to 4’ 8” on Page 3 in the R-2 District Zoning Bulk Regulations Tables.
PROPOSAL: Jeffery and Christine Hofstetter, property owners of 504 E Division St. are requesting the following:
1. Two-Lot Subdivision Amendment
2. Variance to Section 7.05-5-b-(1) of the Zoning Ordinance for a corner side-yard setback of 9’ 10” whereas the minimum required is 30’
3. Variance to Section 4.06-8-m of the Zoning Ordinance to allow for an accessory structure setback for a detached garage of 4’ 8” whereas the minimum required is 5’
4. Variance to Section 6.03-C-4-a of Development Standards and Specifications Manual to allow for a Public Utility and Drainage Easement of 4’8” whereas minimum required is twenty feet (20’) easement
BACKGROUND

The owner/petitioner previously applied for and received approval from the Village Board for a rezoning from R-1 to R-2, a lot depth variance and a two-lot subdivision in order to accommodate the construction of a single-family residential structure on the newly created second lot (see Ordinance #1908-19, approved April 2, 2019).

Note: The Plat of Subdivision approved as part of Ord. 1908-19 has not been approved by the Village Engineer nor recorded with DuPage County Recorder’s Office.

Since then, the owner/petitioner has met with Village Staff to inquire about amending the previously approved Plat of Subdivision in order to avoid demolition of the existing detached garage structure. In its approved configuration, the shared lot line separating Proposed Lot 1 & 2 on the Plat of Subdivision goes through the existing detached garage structure, which would require it to be demolished prior to any construction on Proposed Lot 1 were to be approved. The owner/petitioner has stated that there is a financial impact on them to demolish the existing detached garage and to build a new one just few feet away.

During the meeting with Village Staff, Village Staff determined there were a number of additional variances that would need to be requested in order to allow for the Two-Lot Subdivision Amendment to occur due to restrictions placed by the Village’s Zoning and Subdivision Codes and the Development Standards and Specification Manual.

Section 4.06-2 of the Zoning Code states that “no improved zoning lot shall hereafter be subdivided into two (2) or more zoning lots unless all improved zoning lots resulting from each subdivision shall conform with all applicable bulk regulations of the zoning district in which the property is located.” Due to this requirement, the three above-mentioned variations are required to bring the property into compliance as part of the subdivision amendment being requested.

PLANNING & ZONING ANALYSIS

The subject property is located at the southwest corner of Division and Cherry Street and is Zoned R-2, Single-Family Residence District. The subject property was built in 1928 and is currently developed with two-story single-family structure with a basement that is approximately 3,720 square feet, a detached garage that is approximately 582 square feet and driveway, brick paver patio, and elevated wood deck. Several renovations have been completed since the original construction was completed.

The Lot Development Standards and Bulk Regulations do not necessarily take into consideration the size of the subdivision nor when the property was built and the code requirements that were in place at that time.
However, the Village’s Zoning and Subdivision Codes and Development Standards & Specification Manual allows for the landowner/petitioner to request relief from various code sections and provisions that may not be applicable or impose an undue hardship on the landowner/petitioner.

### R-2 Minimum Lot Standards

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed Lot 1</th>
<th>Proposed Lot 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>≥ 65 ft.</td>
<td>91’ 2”</td>
<td>113’ 9”</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>≥ 120 ft.</td>
<td>99’ 11”</td>
<td>121’ 5”</td>
</tr>
<tr>
<td>Lot Size</td>
<td>≥ 9,100 ft.</td>
<td>14,647 ft.²</td>
<td>9,102 ft.²</td>
</tr>
<tr>
<td>Side-Yard PUD Easement#</td>
<td>≥ 6 ft.</td>
<td>6’</td>
<td>6’</td>
</tr>
<tr>
<td>Rear-Yard PUD Easement</td>
<td>≥ 10 ft. / 20 ft.</td>
<td>10’</td>
<td>4’ 8”</td>
</tr>
</tbody>
</table>

*Note: Variance for Lot Depth Granted, See Ord. 1908-19
# Note: Public Utility & Drainage Easement

### R-2 District Zoning Bulk Regulations

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed Lot 1</th>
<th>Proposed Lot 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front-Yard Setback</td>
<td>≥ 30 ft.</td>
<td>N/A</td>
<td>36’ 8”</td>
</tr>
<tr>
<td>Side-Yard Setback</td>
<td>≥ 6 ft.</td>
<td>N/A</td>
<td>41’ 6”</td>
</tr>
<tr>
<td>Corner Side-Yard Setback</td>
<td>≥ 30 ft.</td>
<td>N/A</td>
<td>9’ 10”</td>
</tr>
<tr>
<td>Combined Side-Yard Setback</td>
<td>≥ 16 ft.</td>
<td>N/A</td>
<td>51’ 4”</td>
</tr>
<tr>
<td>Rear-Yard Setback</td>
<td>≥ 40 ft. / 30 ft.</td>
<td>N/A</td>
<td>49’ 11”</td>
</tr>
<tr>
<td>Height</td>
<td>≤ 35 ft.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Building Coverage</td>
<td>≤ 35%</td>
<td>N/A</td>
<td>13% (1,831 ft.²) *</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>≤ 50%</td>
<td>N/A</td>
<td>30% (4,326 ft.²) *</td>
</tr>
<tr>
<td>Max. Allowable Floor Area</td>
<td>≤ 4,271 ft.² / 5,657 ft.²</td>
<td>N/A</td>
<td>4,302 ft.²*</td>
</tr>
<tr>
<td>Accessory Structure Setback</td>
<td>≥ 5 ft.</td>
<td>N/A</td>
<td>4’ 8” (Detached Garage)</td>
</tr>
</tbody>
</table>

*Note: First 250 square feet of detached garage area does not count toward building coverage, lot coverage, and maximum allowable floor area per Sec. 7.05-10-a.

### SUMMARY

The proposed Two-Lot Subdivision Amendment and Zoning Ordinance and Development Standards and Specifications Variations would allow for the owner/petitioner to keep the existing detached garage and not place an undue financial burden on the owner/petitioner by requiring demolition of the detached garage and then rebuilding it a few feet away. The variations being requested are to allow for the existing principal residential structure and detached garage to remain in their current location and acknowledge and permit the deficiencies under the current codes by ordinance. The proposed Two-Lot Subdivision Amendment provides the minimum lot
width and lot size for the proposed Lot 1 and is substantively similar to what was approved earlier this year.

**STAFF RECOMMENDED CONDITIONS OF APPROVAL**

Staff recommends the following conditions be placed upon any favorable recommendation by the Plan Commission:

1. The project must comply with all Village Ordinances, Building Codes, Subdivision Regulations, the DuPage County Stormwater Ordinance, and Standard Development Specifications in place at the time of permit application.
2. Preparation of final engineering and subdivision plat, and compliance with all public improvements and impact fees required for new homes. All Village Board approved proposals are subject to Final Engineering approval.
3. The Subdivision Ordinance requires that street trees be planted for properties affected by a request for subdivision. The requirement is one tree for every 50’ of frontage. The new trees must be no smaller than 2” in caliper, measured 1’ from the ground. Install new trees where they do not already exist and provide a plan indicating all existing and proposed trees, featuring species, quality, and location information.
4. Provides existing and proposed lot coverage calculation tables at the time of building permit. Include service sidewalks, decks, sheds, patios, and any other improvements other than landscaping or grass.
5. Monuments indicating the newly created property lines with the final plat of subdivision shall be added to the plat prior to recording.
6. An existing tree plan and tree preservation plan is required at the time that Lot 1 develops.

**REQUIRED STANDARDS OF APPROVAL FOR VARIANCES**

Section 14.09-3 sets forth the following standards for variances:

No Variance shall be granted by the President and Board of Trustees unless the specific standards of approvals are met based on the evidence presented to the Plan Commission:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
2. The plight of the owner is due to unique circumstances, and
3. The variation, if granted, will not alter the essential character of the locality.

In making this determination, the Plan Commission shall consider whether there are particular difficulties or particular hardships, and take into consideration whether the following facts have been established by evidence:
1. The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
2. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
3. The purpose of the variation is not based exclusively upon a desire to make more money from the property, or merely for the convenience of the owner;
4. The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or
6. That the proposed variation will not impair an adequate supply of light on adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

The petitioners have responded to the above Standards within the Petition for Variance. At the time of preparing this report, staff is not aware of any objections to the proposal.

DOCUMENTS ATTACHED

1. Petition for Subdivision Application, dated 9/22/19
2. Petition for Variance Application, dated 10/22/19
3. Plat of Survey – 504 E. Division, dated 4/27/18
4. Plat of Subdivision – Hofstetter Subdivision, dated 10/15/19
5. Existing Structure Overlay Exhibit, dated 10/15/19
6. Ordinance # 1908-19
7. Public Comment – 509 E. Center St., dated 11/5/19
PETITION FOR SUBDIVISION

VILLAGE OF ITASCA PLAN COMMISSION
Community Development Department
111 Line Street
Itasca, IL 60143
(630) 773-5588
Fax: (630) 773-0652

DATE 9/22/19

ALL ITEMS MUST BE COMPLETE TO PROCESS APPLICATION

<table>
<thead>
<tr>
<th>Address(es) of Property</th>
<th>504 E Division St</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Use</td>
<td>Single Family Homes</td>
</tr>
<tr>
<td>Subdivision Name</td>
<td>Hogettter</td>
</tr>
<tr>
<td>Existing Use</td>
<td>Single Family Home</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>A1</td>
</tr>
<tr>
<td>All P.I.N. #s</td>
<td>03-08-205-001</td>
</tr>
<tr>
<td>Number of Acres</td>
<td>.6</td>
</tr>
<tr>
<td>Lot Size</td>
<td>23750</td>
</tr>
</tbody>
</table>

Attach preliminary plat of subdivision with legal description

THE LEGAL TITLEHOLDER MUST SIGN THIS PETITION. Where the property is held in trust, the trust officer must sign the petition and include a letter naming all beneficiaries of the trust and authorizing the beneficiaries to act on the matters related to this petition request. The undersigned acknowledges and agrees that this application and all documentation submitted becomes public record and may be viewed by the public.

Owner's Name(s): Jeffrey + Christine Hogettter

Address(es): 504 E Division St

Phone: 312-330-0824

Fax:

Petitioner(s): Same as above

Address(es):

Phone:

Fax:

Agent or Attorney Information

Name:

Firm:

Address:

Phone:

Site Planner or Engineer

Name: Steve

Firm: Professional Land Survey

Address: 3080 Ogden Ave

Phone: 630-778-1757

I, Jeffrey Hogettter, DO HEREBY CERTIFY OR AFFIRM THAT I WE ARE THE OWNER(S) OF RECORD OF THE AFORESAID DESCRIBED PROPERTY AND HEREBY MADE APPLICATION AS SUCH

Signature: ____________________________

Date: 9/25/19

SUBSCRIBED AND SWEORN TO

BEFORE ME THIS 25 DAY OF September, 2019

______________________________

Peggy Ann Michet

Notary Public

Notary Public Seal

PEGGY ANN MICHET

Official Seal

Notary Public - State of Illinois
My Commission Expires Oct 19, 2022
Village of Itasca
Community Development Department
111 LINE ST. ITASCA, IL 60143
PHONE: 630/773-5568 FAX: 630/773-0852
ej-mail: naranas@itasca.com
www.itasca.com

Consultant Services

Pursuant to Section 4.05(5) of the Village of Itasca Zoning Ordinance, the Village of Itasca may use the services of professional consultants for research, investigation and professional opinion in the processing of any application.

Section 4.04(5) of Itasca Zoning Ordinance

CONSULTANTS: The Plan Commission/Zoning Board of Appeals and the Village Board may utilize the services of professional consultants for research, investigation and professional opinion, for assistance in arriving at recommendation or decisions. The applicant whose request to the Plan Commission/Zoning Board requires the use of such professional services, shall reimburse to the Village the reasonable cost it incurred the services rendered by its consultants, within ten (10) days after the submission of the bill by the Village. The consultants shall include, but not be limited to, the persons who provide the Village with advice in the field of engineering, law, planning, traffic design, finance and court reporters.

I/We the applicant(s) understand that when the services of a consultant are utilized in accordance with the above section for research, investigation, professional opinion or other assistance, I/we shall pay all costs incurred within ten (10) days of submission of a bill by the Village of Itasca.

______
Agent or Attorney

______
Street Address

______
City State Zip

______
Telephone

______
Date:

______
Signature of Applicant

______
Name of Applicant

______
Street Address

______
City State Zip

______
Telephone
PETITION FOR VARIANCE

Village of Itasca Plan Commission
c/o Community Development Department
550 W. Irving Park Rd.
Itasca, IL 60143
(Ph): 630-773-5656  (F): 630-773-0852
comdev@itasca.com

Date Submitted: 10.22.19

ALL ITEMS MUST BE COMPLETE TO PROCESS APPLICATION

Address(es) of Property: 504 E Division Street

Owner(s) of Property: Hofstetter's

Petitioner(s) (if other than owners):

Existing Use: Single Family Home  Zoning: R-2

P.I.N. #(s): 03-08-205-001 Lot Size (sq. ft.): 23,750

Please answer the following questions (you may attach additional sheets if needed):

1.) Specifically state the variance(s) which is sought including the relevant section(s) of the Zoning Ordinance and how and/or the amount(s) by which the ordinance is sought to be varied.

Variation to Section 7.05-5-b-(1) of the Zoning Ordinance for a corner side-yard setback of nine and eight-tenth feet (9.8') whereas the minimum required is thirty feet (30').

Variation to Section 4.06-8-m of the Zoning Ordinance to allow for an accessory structure setback for a detached garage of four and nine-tenth feet (4.9')* whereas the minimum required is five feet (5').

Variation to Section 6.03-C-4-a of Development Standards and Specifications Manual to allow for a Public Utility and Drainage Easement of four and nine-tenth feet (4.9')* whereas the Code requires a twenty feet (20') easement.

2.) Generally state the purpose and reasons for which the variance(s) is/are sought.

Our original idea was split our existing property into two lots; one with our existing home and a new 100X100 southern lot that would allow us to build a modest new home. We thought (incorrectly) that we needed to tear down our existing garage and move the driveway to make room for the new home. After now having spoken with two local builders; they advised us to keep the existing garage by slightly shrinking the newly proposed lot from 100 X 100 to 91' X 100' which still conforms to R2 yet still allows us to build a small new 75 X 30' home. The builders shared we wouldn't get any of the $40k tear down and driveway move back so put the $40k into the new home. So, we ask to keep the existing garage and approve our variance request. Specifically, Variance1: our property in now zoned R2. If we slightly reduce the lot to 91 wide by 100 deep, it would allow us to build a 75 X 30' foot home in the middle of the new lot and not require us to tear down the garage and move the driveway. Variance2: requires a new lot to allow for an accessory structure setback for a detached garage to be 5 feet; I am asking for my setback of 4.9'... shy by 3 inches. Again, I am desperately trying to avoid the cost of tearing down the existing garage and moving a driveway. Variance3: Public Utility and Draining Easement of 4.9' whereas the code requires a 20 feet easement. There are no public utilities needed that will run between the properties. Electric will come in thru the back of the home (underground off poles); sewer, gas, and water will come in from the front of the home off Cherry Street.

3.) Explain how the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Zoning Ordinance.
The overall request comes down to tearing down the existing garage; we ask the Village not to require us to do so. The new second lot can conform to 9100sf ([SEE EXHIBIT A] by being built to 91 X 100 feet rather than 100 X 100. Building on an R2 9100sf lot still allows us to build a modest 2900sf home (roughly 75 X 30) centered on the new lot between the existing detached garage and the home to the South. This allows us to keep the original garage and driveway and keep all the trees in tact. A 91 X 100 lot (vs 100 X 100) is the only difference between what was asked for originally when the village approved the Rezone.

4.) State and explain the particular factors of the property (e.g., physical surroundings, shape or topographical conditions, etc.) that bring a hardship to the owner under the strict letter of the Zoning Ordinance.
As stated above, we are asking the village not to require us to tear down the existing garage. If we slightly shrink the newly proposed lot to 91 X 100sf, with a few slight variances, we can put the savings from not tearing down an existing garage and moving a driveway into the new home. New home building is extremely high these days so anywhere we can save is needed. The cost tearing down the existing garage and moving the driveway is cost prohibitive.

5.) Explain how the plight of the owner is due to unique circumstances and not generally applicable to other properties in the neighborhood.
The village was gracious enough to allow out family to Rezone from R1 to R2 on our unusual R1/R2 Cherry Street. At the risk of being redundant, we are simply seeking to conform to the new R2 zone lot size of 9100sf and building a modest new home (75 X 30) on the new lot of 91 X 100 feet versus the originally proposed and approved lot of 100 X 100. Essentially, this boils down to if the Village is going to require my family to tear down the existing garage.

6.) State the effects of the proposed variation(s) upon the character of the neighborhood, the property values, traffic conditions, public utilities, storm water detention, and other matters pertaining to the public health, safety, morals, and general welfare of the community. Explain how the variation will not alter the essential character of the locality.
We seek to build a modest new 2900sf home on the new lot and sell the existing home to a young couple that is willing to continue the rehab work we've put into our existing home over the past 13 years. The new home will add to the charm of Cherry St where there are 6 homes on the West side of the street and only 3 homes on the East side of the street. The new home should have a positive effect on property values in the neighborhood because of adding a nice new home on the street... we can think of no reason why it would have a negative effect. Cherry street would go from 7 driveways on the street to 8.

Owner's Name(s): Jeffrey & Christine Hofstetter
Address: 504 E Division St
Phone: 3123300824
Email: jeffrey.hofstetter@icloud.com

Petitioner's Name(s): Same
Address(es): Same
Phone: Same
Email: 
Address(es): Same

Phone: Same

Email:

Agent or Attorney (if applicable) Site Planner or Engineer (if applicable)
Name: NA Name: Steve Rackow
Firm:
Firm: Professional Land Surveying, Inc
Address: 3080 Ogden Av
Address: Lisle IL 60532
Phone: 
Phone: 630.778.1757
Email:
Email: steve@plsilisle.com

Please attach the following:

☑ Legal description of property (from title policy or plat of survey) – required for all variances.
☑ Current plat of survey (showing all site improvements/structures and easements).
☐ Architectural renderings of new or altered structures (if applicable).
☑ Site Plan (drawn to scale showing buildings, parking spaces, storm water detention and all other significant data with all pertinent dimensions fully noted).
☐ If held in trust, letter naming all beneficiaries of the trust and authorizing the below signed person to act on the matters related to the petition request. The letter must be signed by all beneficiaries of the trust.

THE LEGAL TITLEHOLDER MUST SIGN THE PETITION. Where the property is held in trust, the trust officer must sign the petition and include a letter naming all beneficiaries of the trust and authorizing the below signed person to act on the matters related to this petition request. The undersigned acknowledges and agrees that this application and all documentation submitted becomes public record and may be viewed by the public.

I/we Jeffrey Hofstetter DO HEREBY CERTIFY OR AFFIRM THAT I/WE ARE THE OWNER(S) OF RECORD OF THE AFORESAID DESCRIBED PROPERTY AND HEREBY MADE APPLICATION AS SUCH.

Signature: [Signature]
Date: 10.21.19

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 21 DAY OF OCTOBER, 2019

NOTARY PUBLIC

PEGGY ANN MICHE
Official Seal
Notary Public - State of Illinois
My Commission Expires Oct 19, 2022
ORDINANCE NO. 1908-19

AN ORDINANCE APPROVING A REZONING FROM R-1 TO R-2, A LOT DEPTH VARIATION, AND A TWO LOT SUBDIVISION TO ACCOMMODATE AN ADDITIONAL SINGLE-FAMILY HOME AT 504 EAST DIVISION STREET (JEFFREY AND CHRISTINE HOFSTETTER)

WHEREAS, Jeffrey and Christine Hofstetter (hereinafter “Petitioners”) have filed a Petition for rezoning from R-1 Single Family Residence District to R-2 Single Family Residence District, a variation for lot depth, and for approval of a two lot subdivision for the property at 504 East Division Street in Itasca, Illinois (hereinafter “Subject Property”), which is currently located in the Village’s R-1 Single Family Residence District; and

WHEREAS, Petitioners seek rezoning from R-1 Single Family Residence District to R-2 Single Family Residence District, a lot depth variation from Section 6.03 (C) (2) (e) of the Subdivision Ordinance for a minimum lot depth of 100-feet, and for approval of a two lot subdivision in order to accommodate an additional single-family home;

WHEREAS, Petitioners submitted an application for the rezoning, variation, and subdivision approval, attached hereto as Exhibit A, and incorporated herein by reference; and

WHEREAS, a public hearing was held by the Itasca Plan Commission on February 26, 2019, pursuant to public notice as required by law, with respect to Petitioners’ application; and

WHEREAS the Plan Commission made the following findings of fact with respect to the recommended rezoning from R-1 to R-2:

1. The proposed rezoning is consistent with the surrounding land uses and the general area;

2. The zoning classification of the property is consistent with a residential area surrounded by R-1 and R-2 designations;

3. The Subject Property is suited for permitted use under the R-2 Single Family Residence District Classification;

4. The trend of development is consistent with an both an R-1 and R-2 Single Family Residence District Classification;

5. The proposed change in zoning is in the public interest and not solely for the interest of the Applicants; and,

6. The change from the Subject Property’s zoning of R-1 to R-2 will allow the property to be improved and will be consistent with the surrounding area. Further, the unique circumstances support a change to the zoning classification for the subject property.

WHEREAS, the Plan Commission made the following findings of facts with respect to the lot depth variation request:
SECTION ONE: The corporate authorities hereby make the following findings of fact with respect to the rezoning from R-1 Single Family Residence District to R-2 Single Family Residence District:

1. The proposed rezoning is consistent with the surrounding land uses and the general area;

2. The zoning classification of the property is consistent with a residential area surrounded by R-1 and R-2 designations;

3. The Subject Property is suited for permitted use under the R-2 Single Family Residence District Classification;

4. The trend of development is consistent with both an R-1 and R-2 Single Family Residence District Classification;

5. The proposed change in zoning is in the public interest and not solely for the interest of the Applicants; and,

6. The change from the Subject Property's zoning of R-1 to R-2 will allow the property to be improved and will be consistent with the surrounding area. Further, the unique circumstances support a change to the zoning classification for the subject property.

SECTION TWO: The corporate authorities hereby make the following findings of fact with respect to the requested lot depth variance from 120-feet to 100-feet:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

2. The plight of the owner is due to unique circumstances.

3. The variation, if granted, will not alter the essential character of the locality.

SECTION THREE: The corporate authorities hereby grant the petition for rezoning from R-1 Single Family Residence District to R-2 Single Family Residence District, the petition for variation for lot depth variance from 120-feet to 100-feet (pursuant to Section 6.03(c)(2)(e) of the Village Subdivision Ordinance), and to approve a two lot subdivision in order to accommodate an additional single-family home. The approval of the corporate authorities is subject to the following conditions:

1. The variance will become null and void if permits have not been applied for within one year.

2. Permit documents must be in substantial compliance with the Plan Commission and Village Board submittals.

Ord 1908-19 - Rezoning lot depth variation and two lot subdivision (Hofstetter)
1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

2. The plight of the owner is due to unique circumstances.

3. The variation, if granted, will not alter the essential character of the locality.

WHEREAS, the Itasca Plan Commission voted to recommend a two lot subdivision in order to accommodate an additional single-family home.

WHEREAS, the Itasca Plan Commission voted to recommend that the Village authorities approve the rezoning to R-1 to R-2 Single Family Residence District, to allow for a lot depth variation of 100-feet, and to approve a two lot subdivision in order to accommodate an additional single-family home, subject to the following conditions:

1. The variance will become null and void if permits have not been applied for within one year.

2. Permit documents must be in substantial compliance with the Plan Commission and Village Board submittals.

3. The project must comply with all Village Ordinances, Building Codes, Standard Specifications, and the DuPage County Stormwater Ordinance in place at the time of permit application.

4. Preparation of final engineering and subdivision plat, and compliance with all public improvements and impact fees required for new homes. All Village Board approved proposals are subject to Final Engineering approval.

5. The Subdivision Ordinance requires that street trees be planted for properties affected by a request for subdivision. The requirement is one tree for every 50' of frontage. The new trees must be no smaller than 2" in caliper, measured 1' from the ground. Install new trees where they do not already exist and provide a plan indicating all existing and proposed trees, featuring species, quality, and location information.

6. Provide existing and proposed lot coverage calculation tables at the time of building permit. Include service sidewalks, decks, sheds, patios, and any other improvements other than landscaping or grass.

7. An existing tree plan and tree preservation plan is required at the time that Lot 1 develops.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

Ord 1908-19 - Rezoning lot depth variation and two lot subdivision (Hofstetter)
3. The project must comply with all Village Ordinances, Building Codes, Standard Specifications, and the DuPage County Stormwater Ordinance in place at the time of permit application.

4. Preparation of final engineering and subdivision plat, and compliance with all public improvements and impact fees required for new homes. All Village Board approved proposals are subject to Final Engineering approval.

5. The Subdivision Ordinance requires that street trees be planted for properties affected by a request for subdivision. The requirement is one tree for every 50’ of frontage. The new trees must be no small than 2” in caliper, measured 1’ from the ground. Install new trees where they do not already exist and provide a plan indicating all existing and proposed trees, featuring species, quality, and location information.

6. Provide existing and proposed lot coverage calculation tables at the time of building permit. Include service sidewalks, decks, sheds, patios, and any other improvements other than landscaping or grass.

7. An existing tree plan and tree preservation plan is required at the time that Lot 1 develops.

SECTION FOUR: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION FIVE: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION SIX: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

AYES: Trustee Aiani, Hauer, Leach, Madaras, Santorsola

NAYS: None.

ABSENT: Trustee Latoria.

ABSTAIN: None.

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this 2 day of April, 2019.
APPROVED:

[Signature]

Village President Jeffery J. Pruyn

ATTEST:

[Signature]

Village Clerk Judy Conidi

Ord 1908-19 - Rezoning lot depth variation and two lot subdivision (Hofstetter)
Bernie Gandras  
509 E. Center Street, Itasca, IL 60143

November 5, 2019

Itasca Planning Commission  
Village of Itasca  
Community Development Department  
550 W. Irving Park Road  
Itasca, IL 60143

Re: Notice of Public Hearing Itasca Plan Commission (Jeffery and Christine Hofstetter, petitions for a two-lot subdivision amendment).  P.I.N. 03-08-205-001

On November 4, 2019 I received notice of a letter to be picked up at the Itasca U.S. Post Office, notifying me of a public hearing regarding the above-mentioned property. As I am not able to attend the Public Hearing my comments are noted below.

While I understand that zoning variances are independent of a final building permit, I have strong reservations relative to additional storm water runoff onto my property resulting from the reduced open green area that maximizes a building footprint.

Having lost three significant river birch trees and 10 evergreen shrubs, along with a constant soil erosion problem due to excess storm water runoff from neighboring properties, which started some 15 years ago, I am in a quandary as to what changed since I built my home in 1980.

I recently installed a dry pond in the rear yard connected to a drywell in the front yard to alleviate the soil erosion and hopefully allowed for planting once again. Unfortunately, this could not be covered under the Village’s rear-yard drainage program as standing water for 72 hours is a requirement, not soil erosion due to excessive storm water runoff from neighboring properties.

While it is not my intent to limit development in Itasca, nearby property owners should not be impacted by the ramification of reduced green area that allows for storm water infiltration or changing the existing natural land slope resulting in a more rapid storm water runoff.

While there may be engineering solutions to such problems falling under the Building Department’s jurisdiction when approving a building permit, I believe the Plan Commission needs to also weigh these concerns when granting requests for this or similar variances.

Respectfully,

Bernie F. Gandras ATA
ORDINANCE NO. 1927-19

AN ORDINANCE APPROVING A TWO LOT SUBDIVISION AND VARIANCES FOR 504 EAST DIVISION STREET (HOFFSTETTER)

WHEREAS, Jeffrey and Christine Hofstetter (hereinafter referred to as “Petitioner”) has filed a Petition requesting approval for an two-lot subdivision amendment and variances from the Village of Itasca Zoning Ordinance for the property at 504 East Division Street in the Village of Itasca (hereinafter “Subject Property”) in the R-2 Single Family Residential District; and

WHEREAS, the Village approved a re-zoning of the Subject Property to the R-2 Single Family Residential District, lot dept variance, and two-lot subdivision on April 2, 2019, in Ordinance No. 1908-19; and

WHEREAS, the Petitioner wishes to amend its two-lot subdivision and submitted an application, attached hereto as Exhibit A, for the amendment of the previously approved two-lot subdivision; and

WHEREAS, Petitioner also submitted a petition, attached hereto as Exhibit B, for variances (1) from § 7.05(5)(b)(1) of the Itasca Zoning Ordinance to permit a corner side-yard setback of 9-feet, 10-inches; (2) from § 4.06(8)(m) of the Itasca Zoning Ordinance to permit an accessory structure setback for a detached garage of 4-feet, 8-inches; and (3) from § 6.02(C)(4) of the Itasca Development Standards and Specifications Manual to allow for a public utility and drainage rear-yard easement of 4-feet, 8-inches; and

WHEREAS, a public hearing was held by the Itasca Plan Commission on November 20, 2019, pursuant to public notice as required by law, with respect to Petitioner’s application and petition; and

WHEREAS, the Plan Commission made the following findings of facts with respect to the request for variances:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

2. The plight of the owner is due to unique circumstances.

3. The variation, if granted, will not alter the essential character of the locality.

WHEREAS, the Plan Commission recommended to the Village Board of Trustees that the amendment of the two-lot subdivision and the variances be approved subject to the following conditions:

1. The project must comply with all Village Ordinances, Building Codes, Subdivision Regulations, the DuPage County Stormwater Ordinance, and Standard Development Specifications in place at the time of permit application.

2. Preparation of final engineering and subdivision plat, and compliance with all public improvements and impact fees are required for new homes. All Village Board approved proposals are subject to Final Engineering approval.
3. The Subdivision Ordinance requires that street trees be planted for properties affected by a request for subdivision. The requirement is one tree for every 50’ of frontage. The new trees must be no smaller than 2” in caliper, measured 1’ from the ground. Install new trees where they do not already exist and provide a plan indicating all existing and proposed trees, featuring species, quality, and location information.

4. Provide existing and proposed lot coverage calculation tables at the time of building permit. Include service sidewalks, decks, sheds, patios, and any other improvements other than landscaping or grass.

5. Add monuments indicating the newly created property lines with the final plat of subdivision to the plat prior to recording.

6. An existing tree plan and tree preservation plan is required at the time that Lot 1 develops.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: The corporate authorities accept the findings of fact and recommendation of the Itasca Plan Commission concerning Petitioner’s application for approval of an amended two-lot subdivision, attached hereto and incorporated herein as Exhibit A, and for variances to allow a corner side-yard setback of 9-feet, 10-inches, an accessory structure setback for a detached garage of 4-feet, 8-inches, and a public utility and drainage rear-yard easement of 4-feet, 8-inches subject to the conditions recommended by the Plan Commission.

SECTION TWO: All other aspects of the Subject Property are to be in compliance with all Village ordinances, including but not limited to the Itasca Zoning Ordinance, unless otherwise modified by ordinance.

SECTION THREE: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION FOUR: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

AYES: __________________________________________________________

NAYS: __________________________________________________________________

ABSENT: __________________________________________________________________

ABSTAIN: __________________________________________________________________
APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this 17th day of December, 2019.

APPROVED:

___________________________________
Village President Jeffery J. Pruyn

ATTEST:

___________________________________
Village Clerk Jody Conidi